THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 65 of 2006

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DATED: 03.01.2006

Between:

M. Shanta Kumari

... PETITIONER

AND

The Deputy Superintendent of Police,

Nandyal, Kurnool District another.

... RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No: 65 of 2006

ORDER:-

This writ petition is filed to declare the action of the 1st respondent in interfering in the civil suits and threatening to pay the amounts as demanded by the 2nd respondent without adjudication of the suits by the civil courts, as illegal, arbitrary and violation of Article 19 and 21 of the Constitution of India.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

The petitioner submits that the 2nd respondent filed a suit in O.S.No.1022 of 2005 on the file of the II Junior Civil Judge, Kurnool for recovery of a sum of Rs.20,770/- against him in which the petitioner filed his written statement. It is stated that in that connection, at the instance of the 2nd respondent, the 1st respondent and his subordinates are pressurising the petitioner to pay the amount even before the disposal of the suit.

I am not inclined to say whether the police are pressurising the petitioner or not, but however, the police cannot interfere with the personal life and liberty of the petitioner with regard to civil disputes unless a complaint is filed against him alleging that a cognizable offence has been committed by him.

Having regard to the facts and circumstances of the case, the 1st respondent and his subordinate staff are directed not to interfere with the civil disputes pending between the petitioner and the 2nd respondent unless a written complaint or report is filed alleging that the petitioner has committed a cognizable offence and the same is registered.

Accordingly, the writ petition is disposed of. No order as to costs.

03.01.2006

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